

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONNA WOOD, *et al.*, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

MIKE BLOOMBERG 2020, INC.,

Defendant.

20 Civ. 2489 (LTS) (GWG)

STIPULATION

WHEREAS, on March 23, 2020, Plaintiffs filed a Class and Collective Action Complaint against Defendant Mike Bloomberg 2020, Inc. (“MB2020” and with Plaintiffs, the “Parties”) (Doc. 1);

WHEREAS, on March 26, 2020, the Court issued an Order referring the case to the Hon. Gabriel W. Gorenstein for General Pretrial purposes, including scheduling, discovery, non-dispositive pretrial motions and settlement (Doc. 24);

WHEREAS, on March 30, 2020, Plaintiffs filed a First Amended Class and Collective Action Complaint (“FAC”) against MB2020 (Doc. 29);

WHEREAS, on April 16, 2020, the Parties filed a Stipulation providing that MB2020 shall have through June 1, 2020 to answer, move, or otherwise respond to the FAC, which the Court so-ordered (Doc. 59);

WHEREAS, on April 17, 2020, Plaintiffs filed a Motion for Conditional Certification under the Fair Labor Standards Act, to which the parties agreed to extend the time for MB2020 to respond until June 1, 2020;

WHEREAS, on April 21, 2020, MB2020 sent Plaintiffs a letter setting forth the legal and factual positions for its anticipated motion pursuant to Fed. R. Civ. P. 12(b)(6) and 23(d)(1)(d), in accordance with paragraph 2.B of the Court's Individual Practices (Swain, J.);

WHEREAS, on April 29, 2020, Plaintiffs responded to MB2020's letter in writing, and

WHEREAS, the Parties participated in a telephonic meet-and-confer on May 1, 2020 in which they discussed their respective positions concerning MB2020's anticipated motion, and pursuant to paragraph 2.b.i(2) of Judge Swain's Individual Practices, MB2020 consented to Plaintiffs filing a second amended complaint;

WHEREAS, because MB2020 has not filed or shared its motion to dismiss, Plaintiffs agreed to file a second amended complaint based on MB2020's April 21, 2020 letter, and reserved their right to make a request to the Court for leave to file a third amended complaint after seeing MB2020's response to the second amended complaint;

WHEREAS, on May 8, 2020, the Hon. Gabriel W. Gorenstein so-ordered a stipulation permitting Plaintiffs to file a second amended complaint by May 18, 2020 and providing MB2020 with 30 days to answer, move, or otherwise response to the second amended complaint (Doc. 80);

WHEREAS, on May 18, 2020, Plaintiffs filed a Second Amended Class and Collective Action Complaint ("SAC") against MB2020 (Doc. 86);

WHEREAS, on June 1, 2020, MB filed its opposition to Plaintiffs' Motion for Conditional Certification (Doc. 94); and

WHEREAS, MB2020 intends to file a motion to dismiss and to strike class allegations with respect to the SAC on June 17, 2020.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned parties:

1. MB2020 shall file its motion to dismiss and to strike class allegations with respect to the SAC on June 17, 2020.
2. Plaintiffs shall file their opposition to the motion or seek leave to amend by July 17, 2020 (MB2020 objects to any further amendment of the Complaint).
3. MB2020 shall file its reply in further support of the motion by July 31, 2020.
4. MB2020's filing of a motion to dismiss and to strike class allegations will not affect any other deadlines.

Dated: New York, New York
June 10, 2020

By: /s/ Sally J. Abrahamson
Sally J. Abrahamson

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SO ORDERED: _____